

Screening Form
Low-Effect Incidental Take Permit Determination and
National Environmental Policy Act
Environmental Action Statement

I. HCP Information

A. HCP Name: Rothman Parcel Habitat Conservation Plan

B. Affected Species: Morro shoulderband snail (*Helminthoglypta walkeriana*)

C. HCP Size/Permit Area: 0.46-acre (20,068 square feet)

D. Project Description: The project involves the construction, maintenance, and occupation of a single-family residence on a 0.46-acre (20,068 square-foot) existing legal parcel in the existing Cabrillo Estates subdivision, community of Los Osos, San Luis Obispo County, California. The habitat conservation plan (HCP) provides the support necessary for the Service to issue an incidental take permit (ITP) to authorize take of the Morro shoulderband snail. The County of San Luis Obispo requires demonstration that the property owner is in compliance with the Endangered Species Act of 1973, as amended (Act) as part of their permitting requirements.

Philip R. and Pamela J. Rothman, as the applicants, have prepared a habitat conservation plan (HCP) in support of their application for an incidental take permit for Morro shoulderband snail pursuant to section 10(a)(1)(B) of the Act. Permit issuance would authorize take of the federally endangered Morro shoulderband snail incidental to the otherwise legal construction, maintenance, and occupation of a single family residence on an existing legal parcel and its access, in the Cabrillo Estates subdivision of Los Osos, an unincorporated community of San Luis Obispo County, California. The requested permit term is 10 years and the permit would be eligible for renewal consistent with the procedures required by Federal regulation (50 CFR 13.22).

E. Covered Lands: The ITP would authorize take of Morro shoulderband snail within the 20,068 square-foot parcel legally identified as County of San Luis Obispo Assessor Parcel Number 074- 483-012 physically located at 212 Madera Street, Los Osos, California.

F. Species Occupation and Baseline: HCP section 3.2.4 and Appendix A provide details regarding the survey history for Morro shoulderband snail on the Rothman parcel. Very low numbers of live individuals and shells have been documented to occur during surveys conducted between 1999 and 2012 indicating that the parcel, although disturbed, continues to support this species.

G. Minimization and Mitigation Measures: Minimization and mitigation measures are included in section 5.2 of the HCP and summarized below.

Minimization Measures: The applicants have committed to measures intended to reduce the number and take in the form of injury or mortality of Morro shoulderband snail. These include pre-activity surveys; capture and moving of Morro shoulderband snails identified during pre-activity surveys to a pre-determined, Service-approved receptor site; development and

presentation of environmental awareness training to all personnel who will be working on site during site preparation and construction; and construction monitoring/surveys.

Mitigation: Unavoidable take of the Morro shoulderband snail will be mitigated by payment of an in-lieu fee of \$10,034 to be used to fund Morro shoulderband snail recovery task actions on conserved lands within the known range of the species as identified in the *Recovery Plan for the Morro Shoulderband Snail and Four Plants from Western San Luis Obispo County* (Service 1998). Demonstration of fee payment will be provided to the Service and the County of San Luis Obispo prior to the commencement of any activities that could result in take of Morro shoulderband snail.

H. Monitoring and Reporting: Monitoring and Reporting sections are included in sections 5.3 and 5.5 of the HCP and summarized below.

Monitoring: Monitoring tracks the permittees' compliance with the HCP and terms and conditions of the ITP. Two types of monitoring activities are included and described below. The applicants (as permittees) agree to grant access to the project site to representatives from the Service as part of monitoring activities in conformance with conditions and authorizations contained in the HCP and to be made conditions of the ITP.

- **Pre-Activity Training.** A Service-approved biologist knowledgeable regarding the Morro shoulderband snail and the diversity of habitats in which it can be found will conduct a pre-activity training session for all construction personnel who will be involved in site disturbance activities. The intent of this session is to inform construction crews, field supervisors, and equipment operators, about the status and presence of the species, grading and construction-activity restrictions, and those avoidance and minimization measures specified in the HCP.
- **Construction.** A Service-approved biologist will be present during the installation of exclusionary construction fencing, vegetation removal, and initial grading and excavation activities to monitor for the presence of Morro shoulderband snail. All live Morro shoulderband snails of any life stage encountered during these monitoring events will be captured and moved to a Service-approved receptor site by the approved biologist. This approved biologist will have the authority to order any reasonable measure necessary to avoid the take (in the form of injury or mortality) of Morro shoulderband snail and to stop any work or activity that is not in compliance with the conditions set forth in the HCP and ITP. The biologist will notify the Ventura Fish and Wildlife Office in Ventura of any "stop work" order; this order will remain in effect until the issue has been resolved. Upon completion of site preparation activities, the biologist will periodically visit the project site throughout the construction period. During periods of rain or heavy fog/dew, the monitor will conduct daily pre-activity surveys to ensure no Morro shoulderband snails have migrated into the work area. Construction will start only when the biologist determines that the work area is clear of Morro shoulderband snails.

Reporting: Project implementation and annual monitoring reports will be submitted to the Service during the 10-year permit term. Reports will be submitted to the Service by December 31 each year and include, at a minimum, the following: (1) a brief summary of project activities conducted during the reporting year (e.g., development/construction activities, and other covered activities); (2) project impacts; (3) a description of any take that occurred for each covered species (including cause of take, form of take, take amount, location of take and time of day, and deposition of dead or injured individuals); and (4) results of monitoring (compliance, effects and effectiveness monitoring) and surveys.

II. Does the HCP fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP? Yes. While Morro shoulderband snails have been documented to occur on this parcel in the past and likely remain extant, we expect that they occur in very low numbers. Take of the species would be predominantly in the form of capture; very few individuals are expected to be subject to take in the form of injury or mortality.

B. Are the effects of the HCP minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.), prior to implementation of the minimization and mitigation measures? Yes. The proposed project involves the construction and maintenance of a single-family residence. Development is consistent with current zoning and would subject to County of San Luis Obispo permit requirements. It is not anticipated that site development will result in any significant effects to the human environment.

C. Would the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) not result, over time, in a cumulative effects to the human environment (the natural and physical environment) which would be considered significant? Yes. As discussed previously, the proposed project is limited to the construction and maintenance of a single-family residence in an existing residentially-zoned area. The potential for cumulative effects was already considered and dismissed as part of subdivision approval. As such, we determine that project implementation is not likely to result in any significant cumulative effects to the human environment.

III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this HCP?

Would implementation of the HCP:

A. Have significant impacts on public health or safety? No. The HCP was prepared in

support of the issuance of an ITP for Morro shoulderband snail associated with the construction and maintenance of a single-family residence in an existing subdivision. It is not anticipated that project implementation associated with our issuance of this ITP would result in significant adverse effects on public health or safety.

B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources? No. The project is sited in a residentially zoned area and part of an existing subdivision. Onsite habitat consists predominantly of nonnative grassland with remnant individual species typically found in coastal dune scrub. There are no wetlands or floodplains onsite. Project implementation would not result in adverse effects to unique geographic characteristics such as parks, recreation, or refuge lands; wilderness areas; wild or scenic rivers; drinking water aquifers; prime farmlands; wetlands; floodplains; or ecologically significant areas.

C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources [see NEPA section 102(2)(E)]? No. The project is of a limited size and scope and consistent with County of San Luis Obispo zoning laws and regulations. An alternatives analysis is provided in the HCP; no alternative was identified to have substantially less effects on available resources than the proposed project.

D. Have highly uncertain and potentially significant environmental effects, or involve unique or unknown environmental risks? No. The project is limited in size and scope. One residence would be constructed on an existing, legal residential single family-zoned parcel. No unique risks have been identified and no reasonably identifiable future effects are expected.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? No. The project is limited in size and scope. A maximum of one single-family residence would be constructed on an existing, legal parcel that was created as part of a subdivision that met County of San Luis Obispo regulatory compliance. Project implementation does not set a precedent or represent a decision in principle about potentially significant future environmental effects.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects? No. This is a single action that would be an otherwise legal activity that is not related to any other.


G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places? No. Potential effects to cultural resources were analyzed as part of

defined in 40 CFR 1508.4 and in the U.S. Fish and Wildlife Service *Habitat Conservation Planning Handbook*. Furthermore, no extraordinary circumstances identified in 43 CFR 46.215 exist for the Rothman Habitat Conservation Plan. Therefore, the Service's permit action for Rothman Habitat Conservation Plan is categorically excluded from further NEPA review and documentation, as provided by 40 CFR 1507.3; 43 CFR 46.205; 43 CFR 46.215; 516 DM 3; 516 DM 8.5; and 550 FW 3.3C. A more extensive NEPA process is unwarranted, and no further NEPA documentation will be made.

Other supporting documents:

Morro Shoulderband Snail Habitat Conservation Plan, Rothman Parcel [APN 074-483-012], 212 Madera Street, Community of Los Osos, County of San Luis Obispo, California (EcoVision 2017)

Signature Approval:


Stephen P. Henry
Field Supervisor

5/17/17
Date

regulatory compliance for the existing subdivision and is not eligible for listing on the National Register of Historic Places.

H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species? No. Project implementation is not anticipated to adversely affect the survival and recovery of the Morro shoulderband snail in the wild. The project site is not within proposed or designated critical habitat for this or any other federally listed species.

I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment. No. The HCP supports the issuance of an ITP that would authorize take of Morro shoulderband snail incidental to otherwise lawful activities. The parcel was legally created as part of the Cabrillo Estates subdivision and the proposed project is consistent with current zoning. Construction of a single-family residence will be subject to review pursuant to the California Environmental Quality Act and the County of San Luis Obispo's Local Coastal Plan. Project implementation will require issuance of a minor use permit by the County of San Luis Obispo and a Coastal Development Permit. Demonstration that the applicants are in receipt of an ITP for this parcel will be a condition needed to obtain subsequent permits necessary to allow activities that would result in take.

J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898). No. This project involves only the construction of a single-family residence on the owner's property.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007). No. The project site is not located proximal to sacred lands used by Native American religious practitioners nor are such lands found within the project area.

L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112). No. This project will actually result in the removal of areas of the invasive nonnative perennial veldt grass (*Ehrharta calycina*) occupying that area where the residence and associated uses would be constructed.

ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record.

Based on the information and analysis above, I determine that the proposed Incidental Take Permit for the Rothman Habitat Conservation Plan qualifies for a categorical exclusion, as